

§ 761.19

40 CFR Ch. I (7–1–07 Edition)

TSCA means the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*).

TSCA PCB Coordinated Approval means the process used to recognize other Federal or State waste management documents governing the storage, cleanup, treatment, and disposal of PCB wastes. It is the mechanism under TSCA for accomplishing review, coordination, and approval of PCB waste management activities which are conducted outside of the TSCA PCB approval process, but require approval under the TSCA PCB regulations at 40 CFR part 761.

Unit means a particular building, structure, or cell used to manage PCB waste (including, but not limited to, a building used for PCB waste storage, a landfill, an industrial boiler, or an incinerator).

U.S. GPO means the U.S. Government Printing Office, 710 North Capitol St., NW., Washington, DC 20401.

Waste Oil means used products primarily derived from petroleum, which include, but are not limited to, fuel oils, motor oils, gear oils, cutting oils, transmission fluids, hydraulic fluids, and dielectric fluids.

Wet weight means reporting chemical analysis results by including either the weight, or the volume and density, of all liquids.

(Sec. 6, Pub. L. 94-469, 90 Stat. 2020 (15 U.S.C. 2605))

[49 FR 25239, June 20, 1984, as amended at 49 FR 28189, July 10, 1984; 49 FR 29066, July 18, 1984; 49 FR 44638, Nov. 8, 1984; 50 FR 29199, July 17, 1985; 50 FR 32176, Aug. 9, 1985; 53 FR 24220, June 27, 1988; 53 FR 27327, July 19, 1988; 54 FR 52745, Dec. 21, 1989; 55 FR 26205, June 27, 1990; 58 FR 32061, June 8, 1993; 61 FR 11106, Mar. 18, 1996; 63 FR 35437, June 29, 1998; 64 FR 33759, June 24, 1999]

§ 761.19 References.

(a) [Reserved]

(b) *Incorporation by reference.* The following material is incorporated by reference, and is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to:

http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

These

incorporations by reference were approved by the Director of the Office of the Federal Register. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the FEDERAL REGISTER. Copies of the incorporated material are available for inspection at the TSCA Non-confidential Information Center (7407), Rm. B607, Northeast Mall, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Copies of the incorporated material may be obtained from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

References	CFR Citation
ASTM D 93 – 90 Standard Test Methods for Flash Point by Pensky-Martens Closed Tester.	§ 761.71(b)(2)(vi); § 761.75(b)(8)(iii)
ASTM D 129–64 (Reapproved 1978) Standard Test Method for Sulfur in Petroleum Products (General Bomb Method).	§ 761.71(b)(2)(vi)
ASTM D 240–87 Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuel by Bomb Calorimeter.	§ 761.71(b)(2)(vi)
ASTM D 482–87 Standard Test Method for Ash from Petroleum Products.	§ 761.71(b)(2)(vi)
ASTM D 524–88 Standard Test Method for Ramsbottom Carbon Residue of Petroleum Products.	§ 761.71(b)(2)(vi)
ASTM D 808–87 Standard Test Method for Chlorine in New and Used Petroleum Products (Bomb Method).	§ 761.71(b)(2)(vi)
ASTM D 923–86 Standard Test Method for Sampling Electrical Insulating Liquids.	§ 761.60(g)(1)(ii); (g)(2)(ii)
ASTM D 923–89 Standard Methods of Sampling Electrical Insulating Liquids.	§ 761.60(g)(1)(ii); (g)(2)(ii)
ASTM D 1266–87 Standard Test Method for Sulfur in Petroleum Products (Lamp Method).	§ 761.71(b)(2)(vi)
ASTM D 1796–83 (Reapproved 1990) Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method (Laboratory Procedure).	§ 761.71(b)(2)(vi)
ASTM D 2158–89 Standard Test Method for Residues in Liquefied Petroleum (LP) Gases.	§ 761.71(b)(2)(vi)
ASTM D 2709–88 Standard Test Method for Water and Sediment in Distillate Fuels by Centrifuge.	§ 761.71(b)(2)(vi)
ASTM D 2784–89 Standard Test Method for Sulfur in Liquefied Petroleum Gases (Oxy-hydrogen Burner or Lamp).	§ 761.71(b)(2)(vi)
ASTM D 3178–84 Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coke and Coal.	§ 761.71(b)(2)(vi)

Environmental Protection Agency

§ 761.20

References	CFR Citation
ASTM D 3278–89 Standard Test Methods for Flash Point of Liquids by Setflash Closed-Cup Apparatus.	§ 761.75(b)(8)(iii)
ASTM E 258–67 (Reapproved 1987) Standard Test Method for Total Nitrogen Inorganic Material by Modified KJELDAHL Method.	§ 761.71(b)(2)(vi)

[47 FR 22098, May 21, 1982, as amended at 49 FR 29067, July 18, 1984; 49 FR 36648, Sept. 19, 1984; 53 FR 10391, Mar. 31, 1988; 53 FR 12524, Apr. 15, 1988; 53 FR 21641, June 9, 1988; 57 FR 13323, Apr. 16, 1992; 59 FR 33697, June 30, 1994; 60 FR 34465, July 3, 1995; 63 FR 35439, June 29, 1998; 64 FR 33759, June 24, 1999; 69 FR 18803, Apr. 9, 2004]

Subpart B—Manufacturing, Processing, Distribution in Commerce, and Use of PCBs and PCB Items

§ 761.20 Prohibitions and exceptions.

Except as authorized in § 761.30, the activities listed in paragraphs (a) and (d) of this section are prohibited pursuant to section 6(e)(2) of TSCA. The requirements set forth in paragraph (c) of this section and subpart F of this part concerning export and import of PCBs and PCB Items for disposal are established pursuant to section 6(e)(1) of TSCA. Subject to any exemptions granted pursuant to section 6(e)(3)(B) of TSCA, the activities listed in paragraphs (b) and (c) of this section are prohibited pursuant to section 6(e)(3)(A) of TSCA. In addition, the Administrator hereby finds, under the authority of section 12(a)(2) of TSCA, that the manufacture, processing, and distribution in commerce of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater present an unreasonable risk of injury to health within the United States. This finding is based upon the well-documented human health and environmental hazard of PCB exposure, the high probability of human and environmental exposure to PCBs and PCB Items from manufacturing, processing, or distribution activities; the potential hazard of PCB exposure posed by the transportation of PCBs or PCB Items within the United States; and the evidence that contamination of the environment by PCBs is spread far beyond the areas

where they are used. In addition, the Administrator hereby finds, for purposes of section 6(e)(2)(C) of TSCA, that any exposure of human beings or the environment to PCBs, as measured or detected by any scientifically acceptable analytical method, may be significant, depending on such factors as the quantity of PCBs involved in the exposure, the likelihood of exposure to humans and the environment, and the effect of exposure. For purposes of determining which PCB Items are totally enclosed, pursuant to section 6(e)(2)(C) of TSCA, since exposure to such Items may be significant, the Administrator further finds that a totally enclosed manner is a manner which results in no exposure to humans or the environment to PCBs. The following activities are considered totally enclosed: distribution in commerce of intact, non-leaking electrical equipment such as transformers (including transformers used in railway locomotives and self-propelled cars), capacitors, electromagnets, voltage regulators, switches (including sectionalizers and motor starters), circuit breakers, reclosers, and cable that contain PCBs at any concentration and processing and distribution in commerce of PCB Equipment containing an intact, non-leaking PCB Capacitor. See paragraph (c)(1) of this section for provisions allowing the distribution in commerce of PCBs and PCB Items.

(a) No persons may use any PCB, or any PCB Item regardless of concentration, in any manner other than in a totally enclosed manner within the United States unless authorized under § 761.30, except that:

(1) An authorization is not required to use those PCBs or PCB Items which consist of excluded PCB products as defined in § 761.3.

(2) An authorization is not required to use those PCBs or PCB Items resulting from an excluded manufacturing process or recycled PCBs as defined in § 761.3, provided all applicable conditions of § 761.1(f) are met.

(3) An authorization is not required to use those PCB Items which contain or whose surfaces have been in contact with excluded PCB products as defined in § 761.3.